

REMARKS

The Present Invention

The invention provides a testing device for detecting and localizing material inhomogeneities in electrically conductive samples. The invention also provides a method of detecting and localizing material inhomogeneities in electrically conductive samples.

The Pending Claims

Claims 15-13 are currently pending. Claims 15-22 are directed to the testing device, while claims 23-32 are directed to the method of detecting and localizing material inhomogeneities.

The Amendments to the Claims

Claims 12-14 have been cancelled. Claim 23 has been amended to point out more particularly and claim more distinctly the present invention. In this respect, claim 23 has been amended to recite method steps. Claim 23 also has been amended to recite that the method comprises contactlessly measuring the magnetic field outside the sample using several measuring sensors which are provided at a different distance to the sample, wherein the measuring resolution is increased, and whereupon material inhomogeneities are detected and localized. The amendments to claim 23 are supported by the specification at, for example, page 3, first paragraph. Accordingly, no new matter has been added by way of these amendments.

The Office Action

Claims 12-14 remain rejected under 35 U.S.C. 112, second paragraph, for allegedly depending from cancelled claims. Claims 23-32 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite, but would be allowable if rewritten or amended to overcome the Section 112, second paragraph, rejection. Claims 15-22 are allowed. Reconsideration of the Section 112, second paragraph, rejections is hereby requested.

Discussion of the Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 12-14 are rejected under Section 112, second paragraph, for allegedly being dependent on cancelled claims. Claims 12-14 have been cancelled, thereby mooted the Section 112, second paragraph, rejection of those claims.

The Office Action alleges that claims 23-32 are indefinite for failing to recite steps for detecting or localizing inhomogeneities, and because the relationship of the magnetic field

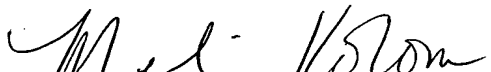
In re Appln. of Hinken et al.
Application No. 09/806,739

outside the sample to detecting and locating material inhomogeneities is unclear. As suggested by the Office Action, claim 23 has been amended to recite method steps, and to recite that the method comprises contactlessly measuring the magnetic field outside the sample using several measuring sensors which are provided at a different distance to the sample, wherein the measuring resolution is increased, resulting in the detection and localization of material inhomogeneities in the samples. Applicants submit that claim 23, as well as claims 24-32 depending therefrom, are clear, and that one of ordinary skill in the art would understand the metes and bounds of claims 23-32. Accordingly, the Section 112, second paragraph, rejection of claims 23-32 should be withdrawn.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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